

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1580

To amend titles XVIII and XIX of the Social Security Act to require that individuals entitled to medicare benefits or enrolled in a State medicaid plan be provided with notice of their rights to accept or refuse medical care and the right to formulate advance directives.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. DOOLEY (for himself, Mr. HOYER, and Mr. BARRETT of Wisconsin) introduced the following bill; which was referred jointly to the Committees on Ways and Energy and Commerce

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to require that individuals entitled to medicare benefits or enrolled in a State medicaid plan be provided with notice of their rights to accept or refuse medical care and the right to formulate advance directives.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Advance Directive Ex-  
5       pansion Act of 1993”.

1 **SEC. 2. PROVIDING NOTICE OF RIGHTS REGARDING MEDI-**  
2 **CAL CARE TO INDIVIDUALS ENTERING MEDI-**  
3 **CARE OR MEDICAID.**

4 (a) NOTICE TO MEDICARE BENEFICIARIES.—

5 (1) IN GENERAL.—Section 1804 of the Social  
6 Security Act (42 U.S.C. 1395b–2) is amended—

7 (A) in paragraph (2), by striking “and” at  
8 the end;

9 (B) in paragraph (3), by striking the pe-  
10 riod at the end and inserting “, and”; and

11 (C) by inserting after paragraph (3) the  
12 following new paragraph:

13 “(4) a description of an individual’s rights  
14 under State law to make decisions concerning medi-  
15 cal care, including the right to accept or refuse med-  
16 ical or surgical treatment and the right to formulate  
17 advance directives (as defined in section  
18 1866(f)(3)).”.

19 (2) EFFECTIVE DATE.—The amendment made  
20 by paragraph (1) shall apply to notices provided  
21 under section 1804 of the Social Security Act on or  
22 after January 1, 1994.

23 (b) NOTICE TO INDIVIDUALS ENROLLED IN STATE  
24 MEDICAID PLANS.—

25 (1) IN GENERAL.—Section 1902(a) of the So-  
26 cial Security Act (42 U.S.C. 1396a(a)) is amended

1 in the paragraph (58) added by section  
2 4751(a)(1)(C) of the Omnibus Budget Reconciliation  
3 Act of 1990 by striking the period at the end and  
4 inserting the following: “, and that would be pro-  
5 vided by the State to each individual enrolled in the  
6 State plan.”.

7 (2) EFFECTIVE DATE.—(A) Except as provided  
8 in subparagraph (B), the amendment made by para-  
9 graph (1) shall apply to calendar quarters beginning  
10 on or after January 1, 1994, without regard to  
11 whether or not final regulations to carry out such  
12 amendments have been promulgated by such date.

13 (B) In the case of a State plan for medical as-  
14 sistance under title XIX of the Social Security Act  
15 which the Secretary of Health and Human Services  
16 determines requires State legislation (other than leg-  
17 islation appropriating funds) in order for the plan to  
18 meet the additional requirements imposed by the  
19 amendments made by paragraph (1), the State plan  
20 shall not be regarded as failing to comply with the  
21 requirements of such title solely on the basis of its  
22 failure to meet these additional requirements before  
23 the first day of the first calendar quarter beginning  
24 after the close of the first regular session of the  
25 State legislature that begins after the date of the en-

1        actment of this Act. For purposes of the previous  
2        sentence, in the case of a State that has a 2-year  
3        legislative session, each year of such session shall be  
4        deemed to be a separate regular session of the State  
5        legislature.

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